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MAY 17 2004
Department of Water Resources

May 13, 2004

Cynthia Bridge-Clark
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Subject: LaVar Thornton Proof of Land Ownership Regarding State Water Bank Applications.

Dear Cynthia:

As per your conversation with Terry, I have provided information concerning the land ownership for the three state water bank applications for LaVar Thornton. Attached is the deed for LaVar Thornton.

Application to Lease Water Right 63-3404. This application proposes to lease acres in the NENE, NWNE, and SENE of Section 3, Township 1 North Range 1 East. The deed and current public land survey data indicate the three quarter-quarter sections are owned by LaVar Thornton. The NENE and NWNE are Lots 1 and 2, respectively, which is part of Parcel 2. The SENE quarter-quarter section is part of Parcel 3.

Application to Lease Water Right 63-2986. This application proposes to lease similar acres as the application for 63-3404: the NENE and NWNE of Section 3, Township 1 North Range 1 East.

Application to Lease Water Right 63-7474. This application proposes to lease acres in the NESW, NWSW, SWSE, and SESE of Section 3, Township 1 North Range 1 East. Parcel 1 of the deed describes the NESW and NWSW quarter-quarter sections. Additionally, part of Parcel 4 describes the SESE quarter-quarter section. There are some ownership concerns regarding the 2 acres to be leased in the SWSE quarter-quarter section. At this time, we would like to reduce the total acres to be leased from 41 to 39 by removing this quarter-quarter section, SESE, from the application.

Please contact me with any questions.

Sincerely,

Michael Martin, E.I.T.

Cc: LaVar Thornton

228283/DM



A Pioneer Company
PIONEER TITLE COMPANY

OF ADA COUNTY

8151 W. Rifleman Ave. / Boise, Idaho 83704
(208) 377-2700

W
SKT
ST

WARRANTY DEED

For Value Received

Anthony H. Miller and Terry L. Miller, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

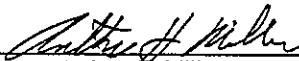
LaVar K. Thornton and Wilma M. Thornton, husband and wife; and Layne Thornton and Lori Thornton,
husband and wife

hereinafter referred to as Grantee, whose current address is 2800 Ten Mile Road, Kuna, ID 83634
the following described premises, to-wit:

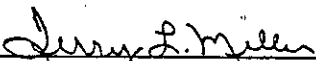
SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: July 29, 2003



Anthony H. Miller



Terry L. Miller

STATE OF IDAHO, County of Ada, ss.

On this 5th day of August in the year of 2003, before me, the undersigned, a notary public, personally appeared Anthony H. Miller & Terry L. Miller known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public of Idaho
Residing at Boise, ID - Nampa, ID
Commission expires: 3-9-2006

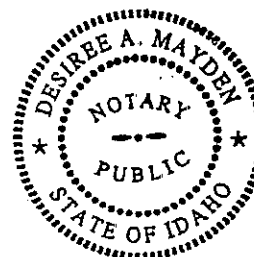


EXHIBIT A

PARCEL I

Part of Section 3, Township 1 North, Range 1 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the corner common to the corner of Sections 3, 4, 9 and 10, Township 1 North, Range 1 East of the Boise Meridian;
Thence North along the section line a distance of 2,673.04 feet to the West quarter corner of Section 3, Township 1 North, Range 1 East of the Boise Meridian, the real point of beginning;
Thence South 89 degrees 20' East, a distance of 2,618.31 feet to a point which is the center of Section 3, Township 1 North, Range 1 East of the Boise Meridian;
Thence South 0 degree 48' East, a distance of 1,312.07 feet to a point on the North railroad right of way of the Union Pacific Railroad;
Thence North 76 degrees 42' West, a distance of 832.35 feet to a point of curvature;
Thence curve right on a curve whose central angle is 13 degrees 07'39", whose radius is 8,494.37 feet, whose tangent is 977.39 feet and whose length of curve is 1,946.21 feet; and whose long chord bears North 70 degrees 08'10" West a distance of 1,941.96 feet to a point on the section line;
Thence North along the section line, a distance of 491.07 feet to the real point of beginning.

EXCEPT that portion deeded over to A.C.H.D. in Warranty Deed recorded January 31, 1997 as Instrument Number 97007691.

PARCEL II

Lots 1 and 2;
Southwest quarter of the Northeast quarter in Section 3, Township 1 North, Range 1 East, Boise Meridian, Ada County, Idaho

PARCEL III

Southeast quarter of the Northeast quarter and the portion of the North half of the Southeast quarter lying Northerly of the railroad right of way, in Section 3, Township 1 North, Range 1 East of the Boise Meridian, Ada County, Idaho,

PARCEL IV

That portion of the Southeast quarter of the Southeast quarter of Section 3, Township 1 North, Range 1 East of Boise Meridian, Ada County, Idaho, lying Northerly of the railroad right of way.

RESERVING UNTO THE GRANTOR: An easement being 60 feet in width beginning at the corner common to Section 2 and 3, Township 1 North, Range 1 East (being the northeast corner of Section 3 and the northwest corner of Section 2), running thence south 1,400 feet. (said point of beginning is commonly referred to Kuna Mora Road) SUBJECT TO: the right of the grantee to use said easement for agricultural purposes. Upon the sale or transfer or lease of the real property described above, at the option of the grantor, said use being granted to the grantee may be terminated. Said easement shall otherwise be considered exclusive for the grantor.

NO DAIRY ANIMALS, CATTLE, HOGS OR POULTRY MAY BE KEPT ON THE ABOVE DESCRIBED PROPERTY FOR COMMERCIAL PURPOSES IN EXCESS OF 250 TOTAL ANIMALS..

jm / A & M
SKT *W*
LT *GP*